



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,686	08/25/2003	Sharidan Lorraine Stiles	STILES.IC1CPI	3777

20995 7590 08/25/2005

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

ASHLEY, BOYER DOLINGER

ART UNIT	PAPER NUMBER
----------	--------------

3724

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,686

Applicant(s)

STILES, SHARIDAN LORRAINE

Examiner

Boyer D. Ashley

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/2/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's amendment filed 6/2/05, wherein claims 1, 4, 9, 14, 15, and 20; claims 16-19 were canceled; and claims 21-28 were added.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "control angle greater than ninety degrees" (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3724

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, or Heller or Crawford, or Smith.

Hollinger discloses the same invention as claimed including, e.g., a handle portion (H1) having a lower (1), middle (2), upper (3) longitudinal portions; and a head portion (H2) having a razor blade (see claim) attached to said upper longitudinal portion (see Figure 1); wherein the lower longitudinal portion extends along a first axis (A1), the middle longitudinal portion extends along a second axis (A2); and the upper longitudinal portion extends along a third axis (A3). The first and third axes form a control angle (C) that is less than ninety degrees (see the Figure below). Hollinger further discloses the use of a razor blade with a straight cutting edge, which is *substantially* perpendicular to a longitudinal axis of the handle as shown in the attached Figure. The device of Hollinger has a cutting edge, which is just as substantially perpendicular as applicant's device. It should be noted that the instant claims (claim 1) do not define what portion of

Art Unit: 3724

the cutting edge is perpendicular to a longitudinal axis of the handle nor is the longitudinal axis of the handle defined.

Hollinger lacks the razor blade having a width of less than or equal to one inch; however, Carreker discloses that it is old and well known in the art to use razor blades of reduced size such less than one inch for the purpose of provided an improved razor with an enhanced cutting ability of specific small areas of the body. Moreover, Heller, Crawford and Smith all disclose reduced razor head widths with non-straight handles for increased handling of the razor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a reduced razor blade size of less than one inch with the safety razor of Hollinger in order to provide an enhanced cutting razor for specific grooming.

As to claim 2, Figure 1 of Hollinger shows the guide track for a typical replacement head portion of the cartridge type. However, in the alternative, Carreker discloses that it is old and well known in the art to use replaceable razor blades heads for the purpose of providing an economically razor blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made have replaceable head portions with the modified device of Hollinger in order to provide an economical razor blade.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Carreker or Heller or Crawford or Smith as applied to claim 1 above, and further in view of Branchinelli et al., U.S. patent 6,052,905.

The modified device of Hollinger discloses the invention substantially as claimed except for the head portion being pivotally mounted on the handle portion; however, Branchinelli discloses that it is old and well known in the art to razor heads that are pivotally mounted on the handles for the purpose of facilitating the shaving of varying shapes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the head portion of the modified device of Hollinger to pivot relative to the handle in order to provide enhanced shaving over varying shapes.

6. Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, or Heller or Crawford or Smith.

Hollinger discloses the same invention as claimed including, e.g., a handle portion (H1) having a lower (1), middle (2), upper (3) longitudinal portions; and a head portion (H2) having a razor blade (see claim) attached to said upper longitudinal portion (see Figure 1); wherein the lower longitudinal portion extends along a first axis (A1), the middle longitudinal portion extends along a second axis (A2); and the upper longitudinal portion extends along a third axis (A3). The first and third axes form a control angle (C) that is less than ninety degrees (see the Figure below). Hollinger further discloses the use of a razor blade with a straight cutting edge, which is *substantially* perpendicular to a longitudinal axis of the handle as shown in the attached Figure. The device of Hollinger has a cutting edge, which is just as substantially perpendicular as applicant's device. It should be noted that the instant claims (claim 1) do not define what portion of

Art Unit: 3724

the cutting edge is perpendicular to a longitudinal axis of the handle nor is the longitudinal axis of the handle defined.

Hollinger lacks the razor blade having a width of less than or equal to one inch; however, Carreker discloses that it is old and well known in the art to use razor blades of reduced size such as less than one inch for the purpose of providing an improved razor with an enhanced cutting ability of specific small areas of the body. Moreover, Heller, Crawford and Smith all disclose reduced razor head widths with non-straight handles for increased handling of the razor. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a reduced razor blade size of less than one inch with the safety razor of Hollinger in order to provide an enhanced cutting razor for specific grooming.

The modified device of Hollinger lacks the control angle being greater than ninety degrees. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a control angle of greater than ninety degrees for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. Moreover, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use a control angle of greater than ninety degrees because Applicant has not disclosed that the control angle

Art Unit: 3724

of greater than ninety degrees provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either control angle because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 4. It should be noted that applicant's specification on page 7 clearly indicates that any angle could be used; therefore, there is no criticality to the specified angle.

As to claim 5, Figure 1 of Hollinger clearly shows the upper longitudinal portion being greater than the width of the blade.

As to claim 6, the modified device of Hollinger discloses the invention substantially as claimed except for the use of multiple blades; however, Carreker discloses that it is old and well known in the art to use multiple blades on the head portions of safety razors for the purpose of providing an enhanced shave. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use multiple blades with the modified device of Hollinger in order to provided an enhanced shave.

As to claim 7, the modified device of Hollinger discloses the use of the lower portion having a first curved shape and the middle portion having a second curved shape as shown in Figure 1 of Hollinger. It should be noted that the phrase "wherein said first ...razor" does not serve to distinguish the claimed invention from the prior art because it is a recitation of intended use not defining any specific structure.

Art Unit: 3724

As to claim 8, the modified device of Hollinger includes a guide surface, such as the surface surrounding the blade area (the blade) as shown in Figure 5, wherein the glide surface is larger than the blade area.

7. Claims 9-10 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, and Heller, U.S. patent 4,700,477, or Smith, U.S. Patent 4,335,509, or Heinrich, U.S. Patent 2,139,680.

Hollinger discloses the invention substantially as claimed as set forth in the previous office action but lacks the razor head having a width of less than or equal to 1/2 inch.

However, Carreker discloses that it is old and well known in the art to use reduced size head portions of about 1/2 inch for the purpose of providing an improved razor with an enhanced cutting ability of specific small areas of the body. Furthermore, Heller, Smith and Heinrich all disclose that it is old and well known in the art to use razor blades of reduced size such less than or equal to 1/2 inch with non-straight handles for the purpose of provided an improved razor with an enhanced cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a reduced head portion with razor blades with sizes of less than or equal to 1/2 an inch with the safety razor of Hollinger in order to provide an enhanced cutting razor for specific grooming, as taught by Carreker, Heller, Smith, and Heinrich.

Art Unit: 3724

It should be noted that the phrase "wherein said handle portion is adapted to ... shaving" does not serve to distinguish the claimed invention from the prior art as it is merely intended use not defining any specific structure.

8. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, and Heller, U.S. patent 4,700,477, or Smith, U.S. Patent 4,335,509, or Heinrich, U.S. Patent 2,139,680, as applied to claim 9 above, and further in view of the following.

The modified device of Hollinger in Figure 1 shows the guide track for a typical replacement head portion of the cartridge type. However, in the alternative, Carreker discloses that it is old and well known in the art to use replaceable razor blades heads for the purpose of providing an economically razor blade. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made have replaceable head portions with the modified device of Hollinger in order to provide an economical razor blade.

As to claim 15, the modified device of Hollinger discloses the invention substantially as claimed except for the use of multiple blades; however, Carreker discloses that it is old and well known in the art to use multiple blades on the head portions of safety razors for the purpose of providing an enhanced shave. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use multiple blades with the modified device of Hollinger in order to provided an enhanced shave.

Art Unit: 3724

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, and Heller, U.S. patent 4,700,477, or Smith, U.S. Patent 4,335,509, or Heinrich, U.S. Patent 2,139,680, as applied to claim 9 above, and further in view Branchinelli, U.S. Patent 6,052,905.

The modified device of Hollinger discloses the invention substantially as claimed except for the head portion being pivotally mounted on the handle portion; however, Branchinelli discloses that it is old and well known in the art to razor heads that are pivotally mounted on the handles for the purpose of facilitating the shaving of varying shapes. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the head portion of the modified device of Hollinger to pivot relative to the handle in order to provide enhanced shaving over varying shapes.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Carreker, or Heller, or Smith or Heinrich and White, U.S. Patent 4,719,063, or Holley, U.S. Patent 6,049,936, or Brody, U.S. Patent 4,523,781, or Beebe, U.S. Patent 4,283,808, and/or Gaide, U.S. Patent 2,367,571, or Lovasz, U.S. Patent 2,743,732, or Bosy et al., U.S. patent 6,598,303.

Hollinger discloses the invention substantially as claimed including a generally arcuate handle with means (the curved upper end) for improved manipulation. Hollinger discloses the use of a razor blade with a straight cutting edge, which is *substantially* perpendicular to a longitudinal axis of the handle as shown in the attached Figure. Hollinger has a cutting edge, which is just as substantially perpendicular as applicant's

Art Unit: 3724

device. It should be noted that the instant claims (claim 1) do not define what portion of the cutting edge is perpendicular to a longitudinal axis of the handle nor is the longitudinal axis of the handle defined.

Hollinger lacks the shaving head being less than or equal to three-eighths of an inch wide; and the width of at least a portion of the handle being substantially larger than the width of the shaving head. Carreker et al. discloses that it is old and well known in the art to use reduced size head portions of about $\frac{1}{2}$ inch for the purpose of providing an improved razor with an enhanced cutting ability of specific small areas of the body. Furthermore, Heller, Smith and Heinrich all disclose that it is old and well known in the art to use razor blades of reduced size such less than or equal to $\frac{1}{2}$ inch and some with non-straight handles for the purpose of provided an improved razor with an enhanced cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a reduced head portion with razor blades with sizes of less than or equal to $\frac{1}{2}$ an inch with the safety razor of Hollinger in order to provide an enhanced cutting razor for specific grooming, as taught by Carreker, Heller, Smith, and Heinrich.

White, Holley, Brody Beebe and Bosy et al. all disclose that it is old and well known in the art to use larger handles for existing smaller handles of manually gripped utensils/tools for the purpose of facilitating gripping of the tool/utensil by people with insufficient manual dexterity, for example, someone with arthritis. Moreover, Gaide discloses that it is old and well known in the art to use razors with handle portions that are larger than the combined with of a blade (11) and head portion (19/10) for the

Art Unit: 3724

purpose of facilitating storage of extra blades. Likewise, Lovasz discloses that it is old and well known in the art to use razors with handle portions that are larger than the combined width of a blade and head portion (A) for the purpose of facilitating storage of a shaving aid.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a handle portion larger than the blade/head portion of a razor in order to facilitate storage of extra razor blades and shaving aids.

Even if it is argued that the modified device of Heinrich lacks the specific width of the razor handle being twice as wide of the combined width, it would have been an obvious matter of design choice to make the handle width twice as wide as the combined width for the purpose of facilitating storage and removal of multiple blades and/or sufficient amounts of shaving aid to reduce frequent refills as well as for facilitating a user's ability to grip the handle depending upon a user's hand size and/or dexterity, because such a modification would have involved a mere change in the size of a component.

11. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, or Heller or Crawford or Smith as applied to claim 1 above and further in view of the following.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than $\frac{1}{4}$ inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of $\frac{1}{4}$ of inch for the purpose of providing reduced sized shaving like implements for

Art Unit: 3724

improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a ¼ inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion ¼ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion ¼ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 21.

Art Unit: 3724

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, or Heller or Crawford or Smith as applied to claim 1 above and further in view of the following.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than 1/8 inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of 1/4 of inch for the purpose of providing reduced sized shaving like implements for improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a 1/4 inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion 1/8 inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated

Art Unit: 3724

problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 22.

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, and Heller, U.S. patent 4,700,477, or Smith, U.S. Patent 4,335,509, or Heinrich, U.S. Patent 2,139,680, as applied to claim 10 above and further in view of Crawford.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than $\frac{1}{4}$ inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of $\frac{1}{4}$ of inch for the purpose of providing reduced sized shaving like implements for improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a $\frac{1}{4}$ inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $\frac{1}{4}$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in

Art Unit: 3724

the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion $\frac{1}{4}$ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 23.

14. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, and Heller, U.S. patent 4,700,477, or Smith, U.S. Patent 4,335,509, or Heinrich, U.S. Patent 2,139,680, as applied to claim 10 above and further in view of Crawford.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than $\frac{1}{8}$ inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of $\frac{1}{4}$ of inch for the purpose of providing reduced sized shaving like implements for improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to

Art Unit: 3724

use a ¼ inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion 1/8 inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 24.

15. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Carreker, or Heller, or Smith or Heinrich and White, U.S. Patent 4,719,063, or Holley, U.S. Patent 6,049,936, or Brody, U.S. Patent 4,523,781, or Beebe, U.S. Patent 4,283,808, and/or Gaide, U.S. Patent 2,367,571, or Lovasz, U.S. Patent 2,743,732, or

Art Unit: 3724

Bosy et al., U.S. patent 6,598,303, as applied to claim 20 above and further in view of Crawford, U.S. patent 2,547,376.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than $\frac{1}{4}$ inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of $\frac{1}{4}$ of inch for the purpose of providing reduced sized shaving like implements for improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a $\frac{1}{4}$ inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $\frac{1}{4}$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion $\frac{1}{4}$ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's

Art Unit: 3724

invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 25.

16. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hollinger in view of Carreker, or Heller, or Smith or Heinrich and White, U.S. Patent 4,719,063, or Holley, U.S. Patent 6,049,936, or Brody, U.S. Patent 4,523,781, or Beebe, U.S. Patent 4,283,808, and/or Gaide, U.S. Patent 2,367,571, or Lovasz, U.S. Patent 2,743,732, or Bosy et al., U.S. patent 6,598,303, as applied to claim 20 above and further in view of Crawford, U.S. patent 2,547,376.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than 1/8 inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of 1/4 of inch for the purpose of providing reduced sized shaving like implements for improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a 1/4 inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion 1/8 inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in

Art Unit: 3724

the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 26.

17. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, as applied to claim 4 above and further in view of Heller, U.S. patent 4,700,477, or Crawford, U.S. patent 2,547,376.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than 1/4 inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of 1/4 of inch for the purpose of providing reduced sized shaving like implements for improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to

Art Unit: 3724

use a ¼ inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion ¼ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion ¼ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 27.

18. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Design Patent 259,743 to Hollinger in view of Carreker, U.S. Patent 4,461,078, as applied to claim 4 above and further in view of Heller, U.S. patent 4,700,477, or Crawford, U.S. patent 2,547,376.

The modified device of Hollinger discloses the invention substantially as claimed except for the specific head portion width being equal to or less than 1/8 inch. However, Heller and Crawford both disclose that it is old and well known in the art to use blades of 1/4 of inch for the purpose of providing reduced sized shaving like implements for improved cutting ability of specific small areas of the body. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a 1/4 inch head portion for the reduced head of the modified device of Hollinger in order to provide an enhanced cutting razor for specific grooming.

Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion 1/8 inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion 1/8 inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious

Art Unit: 3724

matter of design choice to modify the modified device of Hollinger to obtain the invention as specified in claim 28.

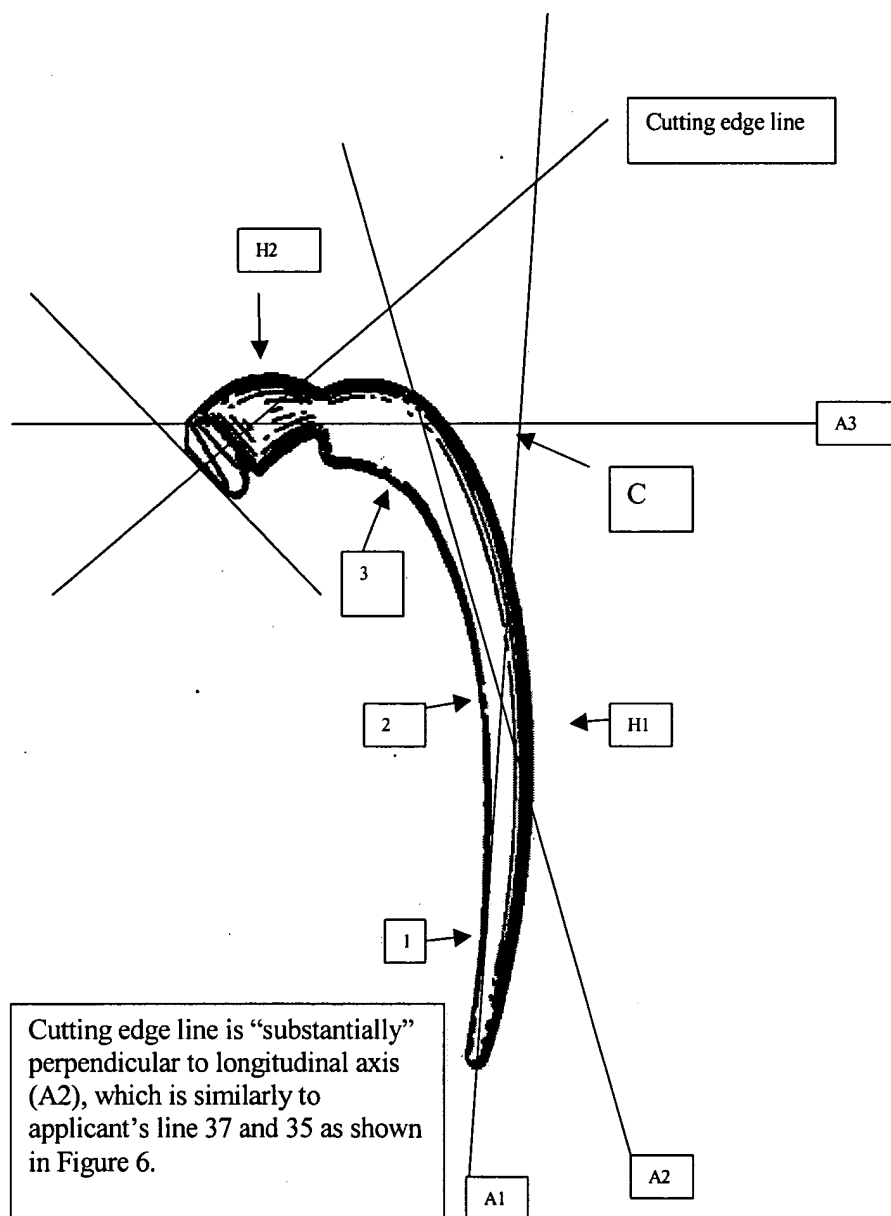
Response to Arguments

19. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant contends that Hollinger lacks three axes along the handle portion because Hollinger is a continuous curve. However, the examiner respectfully disagrees. Even assuming applicant's own device as shown in Figure 6 could not be considered a continuous curve it should be noted that even if the handle of Hollinger is a continuous curve it has three distinct section each with an axes.

Applicant contends that there is no motivation to combine the teaches of Hollinger and Carreker. The examiner respectfully disagrees. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. Therefore, Hollinger and Carreker are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In this case, Hollinger Carreker suggests using a single razor with blades of reduced sized for trimming hair of a user in small areas. To apply the teachings of Carreker (a second razor with a reduced blade head for cutting small areas on a user) with a curved handle of Hollinger would be within the abilities of one of ordinary skill.

Figure for Reference



Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art references cited but not relied upon were cited to shown similar devices in the art.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

Art Unit: 3724

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Boyer D. Ashley
Primary Examiner
Art Unit 3724

BDA
August 21, 2005